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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,027	09/28/2001	Paul Nielsen	9381.00	4672

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EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT PAPER NUMBER

3693

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,027	Applicant(s) NIELSEN, PAUL	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/9/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the application filed on 9/28/2001.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. United Kingdom 0026362.4 filed on 10/27/2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16, 18-21 & 23-28 are rejected under 35 U.S.C. 102(e) as being anticipated by
Estes.

Re claim 1: Estes discloses:

A self-server network, comprising:

A network server (see Estes, Figure 1, item 50); and

A plurality of self service terminals communicatively couplable to the server (see Estes, Figure 1, + column 1, line 63 “conventional ATM system – it is inherent that a system would include a plurality),

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Each terminal including means for sending performance data (see Estes, column 1, line 46 “monitor”) to the server which is representative of the occurrence of operations carried out by the terminal

Re claim 2 & 7 & 13 & 18: Estes discloses:

Performance data is representative of customer usages at each terminal (see Estes, column 2, line 36, “monitor .. the transactions”)

Re claim 3 & 8 & 9 & 14 & 19 & 24 & 25: Estes discloses:

Performance data includes information representative of the type of transaction and/or time (see Estes, column 2, line 36, “monitor .. the transactions”)

Re claim 4 & 5 & 10 & 11 & 15 & 16 & 20 & 21: Estes discloses:

Each terminal includes means responsive to commands received from the server (see Estes, Figure 1, item 50)

Re claim 6: Estes discloses:

A self-server network, comprising:

A mechanism (see Estes, Figure 1)

Re claim 12: Estes discloses:

A server comprising:

Means for receiving performance data over the network (see Estes, column 1, line 46 “monitor” it is inherent in the term monitor that you both receive and analyze the data)

Means for analyzing the data to determine performance patterns (see Estes, column 1, line 46 “monitor” it is inherent in the term monitor that you both receive and analyze the data)

Re claim 23: Estes discloses:

Analyzing historical data representing usage of the terminal over a predetermined time period (see Estes, column 1, line 46 "monitor" it is inherent in the term monitor that you both receive and analyze the data)

Re claim 26: Estes discloses:

Usage patterns include volume at different times of day/days (see Estes, column 2, line 36, "monitor .. the transactions")

Re claim 27: Estes discloses:

Usage patterns is determined by analyzing the effect on terminal usage caused by events which are not operational events of the terminal (see Estes, column 1, line 46 "monitor" it is inherent in the term monitor that you both receive and analyze the data)

Re claim 28: Estes discloses:

Usage charge is adjusted dependent of determined expected usage pattern and on collateral data representing event which are not operational events of the terminal (see Estes, column 1, line 46 "monitor" it is inherent in the term monitor that you both receive and analyze the data)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 22, 29 & 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Estes (U.S. Patent 6,508,398) in view of Kotler (Principals of Marketing).

Re claim 17: Estes discloses:

A method of configuring a self service terminal comprising:

- a) gathering performance data which is representative of performance of the terminal*
- b) analyzing the performance data to determine performance patterns*

Although Estes does not have Value-based flexible pricing (“generating rules”), Kotler claims “Value-based flexible pricing” (see Kotler page 316-317)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Value-based flexible pricing as taught in Kotler to Estes.

It is clear that one would be motivated to offer the best mix of quality and price to the consumer.

Re claim 22: Estes discloses:

A method of configuring a self service terminal comprising:

- a) Deterring an expected usage pattern of the terminal

Although Estes does not have Value-based flexible pricing (“automatically adjusting the value of a usage charge”), Kotler claims “Value-based flexible pricing” (see Kotler page 316-317)

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Value-based flexible pricing as taught in Kotler to Estes.

It is clear that one would be motivated to offer the best mix of quality and price to the consumer.

Re claim 29: Estes discloses:

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Although Estes does not have Value-based flexible pricing, Kotler claims “Value-based flexible pricing” (see Kotler page 316-317) please note that it is inherent that with value-based flexible pricing the price (“amount of the usage charge”) would be displayed to the consumer before they are charged.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Value-based flexible pricing as taught in Kotler to Estes.

It is clear that one would be motivated to offer the best mix of quality and price to the consumer.

Re claim 30: Estes discloses:

Although Estes does not have Value-based flexible pricing, Kotler claims “Value-based flexible pricing” (see Kotler page 316-317) please note that it is inherent that with value-based flexible pricing the price (“amount of the usage charge”) would be displayed to the consumer before or during the transaction for which they are charged.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Value-based flexible pricing as taught in Kotler to Estes.

It is clear that one would be motivated to offer the best mix of quality and price to the consumer.

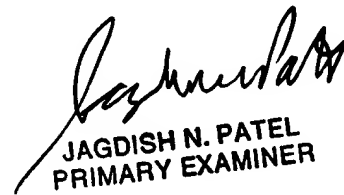
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa


JAGDISH N. PATEL
PRIMARY EXAMINER